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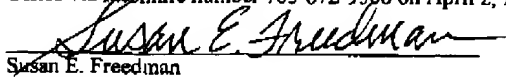
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Attorney's Docket No. 9022-8CT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Schwarz et al. Confirmation No. 8406
Serial No. 09/928,796 Group Art Unit: 1635
Filed: August 13, 2001 Examiner: James Schultz
For: METHODS OF FACILITATING VASCULAR GROWTH

April 2, 2004

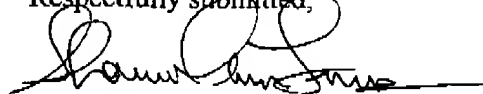
Commissioner for Patents
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Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(b)**

Sir:

Applicant hereby submits the attached Terminal Disclaimer Under 37 C.F.R. § 1.321 for the above referenced application. The Commissioner is authorized to charge Deposit Account No. 50-0220 for the \$55.00 [37 C.F.R. § 1.20(d)] fee for filing the Terminal Disclaimer or for any additional fee which may be required in connection with this submission.

Respectfully submitted,

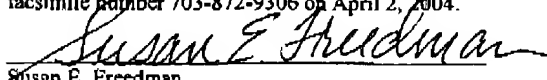


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Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(a)

Sir:

I, **Shawna Cannon Lemon**, am an attorney of record of the disclaimants, **Childrens Hospital Los Angeles** (hereinafter "**CHLA**") and **National Jewish Medical and Research Center** (hereinafter "**NJMRC**"), and am authorized to execute this disclaimer on behalf of **CHLA** and **NJMRC**. Disclaimant **CHLA**, having a principal place of business at 4650 Sunset Blvd., Los Angeles, CA, and disclaimant **NJMRC**, having a principal place of business at 1400 Jackson Street, Denver, CO, are the owners of all right, title, and interest in the above-identified application, by virtue of two Assignments filed concurrently. A copy of each Assignment is attached hereto.

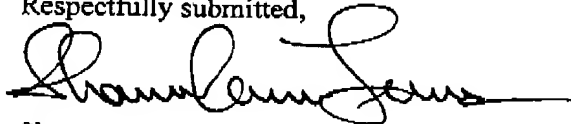
The disclaimants hereby disclaim, except as provided below, the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156, §173, and any other relevant statutory provision of prior U.S. Patent No. **6,306,612** issued **October 23, 2001**, as presently shortened by any terminal disclaimer, which patent was assigned to the above-identified disclaimants by Assignments filed concurrently.

Disclaimants further agree that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. **6,306,612**. This agreement runs with any patent granted on the above-identified application, and is binding upon the grantee, its successors, or assigns.

In re: Schwarz et al.
Serial No. 09/928,796
Filed: August 13, 2001
Page 2

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application that is prior to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156 and §173 of U.S. Patent No. 6,306,612, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,



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Registration No. 53,888

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